

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

In re EX PARTE APPLICATION OF MALCOLM
COHEN and EDWARD TERENCE KERR

MEMORANDUM & ORDER
16-MC-2947 (MKB) (RLM)

MARGO K. BRODIE, United States District Judge:

On November 21, 2016, Applicants Malcolm Cohen and Edward Terence Kerr, as joint administrators for the estate of James Donald Hanson, requested an order (the “Application”) pursuant to 28 U.S.C. § 1782 compelling deposition testimony and document production from Susan Ruddick, a resident of this District. (Mot. to Compel, Docket Entry No. 1.)

The Application was referred to Magistrate Judge Roanne L. Mann on November 21, 2016. (Order dated Nov. 21, 2016.) By report and recommendation dated December 6, 2016 (the “R&R”), Judge Mann recommended that the Court grant the Application with the following conditions: Ruddick should have thirty days to produce documents, and the Applicants should bear the costs of discovery. (R&R 10, Docket Entry No. 2.) No party has objected to the R&R.

A district court reviewing a magistrate judge's recommended ruling “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). When a party submits a timely objection to a report and recommendation, the district court reviews *de novo* the parts of the report and recommendation to which the party objected. *Id.*; *see also United States v. Romano*, 794 F.3d 317, 340 (2d Cir. 2015). The district court may adopt those portions of the recommended ruling to which no timely objections have been made, provided no clear error is apparent from the face of the record. *John Hancock Life Ins. Co. v. Neuman*, No. 15-CV-1358, 2015 WL 7459920, at *1 (E.D.N.Y. Nov. 24, 2015). The clear error standard also applies when a party makes only

conclusory or general objections, or simply reiterates its original arguments. *Chime v. Peak Sec. Plus, Inc.*, 137 F. Supp. 3d 183, 187 (E.D.N.Y. 2015) (“General or conclusory objections, or objections which merely recite the same arguments presented to the magistrate judge, are reviewed for clear error.” (citation omitted)); *see also DePrima v. N.Y.C. Dep’t of Educ.*, No. 12-CV-3626, 2014 WL 1155282, at *3 (E.D.N.Y. Mar. 20, 2014) (collecting cases).

The Court has reviewed the unopposed R&R and, finding no clear error, the Court adopts Judge Mann’s R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1). The Applicants’ proposed order, (Docket Entry No. 1-5), is granted with the exception that the Court orders Ruddick to respond to the document requests submitted with the Application within thirty (30) days of service of this Memorandum and Order and orders Applicants to pay the costs of discovery.

SO ORDERED:

s/ MKB

MARGO K. BRODIE
United States District Judge

Dated: December 22, 2016
Brooklyn, New York